

REMARKS

I. INTRODUCTION

Claims 18 to 20, 22 to 28, 30, and 32 to 38 are pending in the present application. Claims 36 to 38 have been withdrawn from consideration. Claims 18 and 32 to 34 have been amended. In view of the following, it is respectfully submitted that all of the presently pending, non-withdrawn claims are allowable, and reconsideration is respectfully requested.

II. OBJECTION TO CLAIMS 18 to 20, 22 to 28, 30 and 32 to 35

Claims 18 to 20, 22 to 28, 30 and 32 to 35 were objected to, as the phrase “a half of the sensor element facing the measuring gas” in claim 18 is allegedly unclear.

Claim 18 recites, inter alia, that the at least one sealing element surrounds the sensor element along a longitudinal extension of the sensor element at one of a centered position and a half of the sensor element facing the measuring gas.

Although this objection may not be agreed with, to facilitate matters, claim 18 has been amended to recite, inter alia, that the sensor element has a portion thereof which is exposed to the measuring gas, said portion being disposed on one side of an imaginary cross-sectional plane which is perpendicular to a longitudinal extension of the sensor element and which divides the sensor element substantially in half, and that the at least one sealing element surrounds the sensor element along the longitudinal extension of the sensor element one of at a centered position and on the half of the sensor element which is exposed to the measuring gas. Support for this amendment can be found, for example, in Fig. 1 and on page 7, lines 22 to 33 and page 8, lines 15 to 19 of the Substitute Specification. From these cited passages and Fig. 1, it is clear that the sensor element (20) includes a first section (26) exposed to the measuring gas and a second section (27) separated from the measuring gas. If the sensor element (20) is divided in half through a cross-sectional plane perpendicular to the longitudinal extension (L) of the sensor element (20), then one half of the sensor element (20) includes first section (26), and one half of the sensor element (20) includes second section (27). Consequently, the phrase “on the half of the sensor element which is exposed to the measuring gas” in claim 18 as amended means that the sealing element (32) surrounds the sensor element (20) on the half of the sensor element (20) including the first section (26). Therefore, it is respectfully submitted that claim 18, as amended, is sufficiently clear.

As for claims 19, 20, 22 to 28, and 30, which are ultimately dependent from claim 18 and were apparently objected to due to the alleged unclearness of claim 18, it is respectfully submitted that these claims are sufficiently clear.

As for claims 32 and 34, it is respectfully submitted that these claims have been rewritten to depend from claim 18, but otherwise include their respective features prior to amendment. Therefore, it is respectfully submitted that claims 32 and 34 are sufficiently clear for at least the reasons given above in support of the clarity of claim 18.

Claim 33 has been rewritten to be in independent form, but also to recite the features of claim 18 as amended, that the sensor element has a portion thereof which is exposed to the measuring gas, said portion being disposed on one side of an imaginary cross-sectional plane which is perpendicular to a longitudinal extension of the sensor element and which divides the sensor element substantially in half, and that the at least one sealing element surrounds the sensor element along the longitudinal extension of the sensor element one of at a centered position and on the half of the sensor element which is exposed to the measuring gas. Accordingly, it is respectfully submitted that claim 33 is sufficiently clear for at least the reasons given above in support of the clarity of claim 18.

As for claim 35, which is dependent from claim 34 and therefore includes all of the features of claim 34, it is respectfully submitted that this claim is sufficiently clear for at least the reasons given above in support of the clarity of claim 34.

In view of all of the above, withdrawal of this objection is respectfully requested.

III. ALLOWABLE SUBJECT MATTER

Claims 18 to 20, 22 to 28, 30 and 33 were deemed to be allowable if the objection to the language of claim 18 were overcome. It is respectfully submitted that the objection to claim 18 has been successfully overcome, and that therefore, these claims are in condition for immediate allowance.

IV. REJECTION OF CLAIMS 32 AND 34 UNDER 35 U.S.C. § 102(a)

Claims 32 and 34 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,347,543 B1 ("Geier et al."). It is respectfully submitted that Geier et al. do not anticipate the present claims for at least the following reasons.

Although this rejection may not be agreed with, to facilitate matters, claims 32 and 34 have been rewritten to depend from claim 18, and therefore include all of the features

of claim 18, as amended. Since claim 18 has been stated to contain allowable subject matter, and since claim 18 has been deemed allowable if the objection to claim 18 were overcome, and since the objection to claim 18 has been successfully overcome (see section II of this response), it is respectfully submitted that Geier et al. do not anticipate claims 32 and 34, as amended, for at least the reasons set forth above in support of the patentability of claim 18.

In view of all of the above, removal of this rejection is respectfully requested.

V. REJECTION OF CLAIM 35 UNDER 35 U.S.C. § 103(a)

Claim 35 was rejected under 35 U.S.C. § 103(a) as unpatentable over a combination of Geier et al. and U.S. Patent No. 6,474,655 ("Weyl et al."). It is respectfully submitted that the combination of Geier et al. and Weyl et al. does not render unpatentable this claim for at least the following reasons.

Claim 35 ultimately depends from claim 18 and therefore includes all of the features of claim 18. Claim 18, in turn, is allowable for reasons given in support of the patentability of claim 18 in section III of this response. Therefore, it is respectfully submitted that claim 35 is allowable.

In view of all of the above, removal of this rejection is respectfully requested.

VI. CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending, non-withdrawn claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since they have been obviated. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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